

UNITED STATES DISTRICT COURT

For the

DISTRICT OF RHODE ISLAND

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Plaintiff,  
Department of Children, Youth  
And Families

CASE No. 1:21-cv-00272-MSM-LDA

vs.

Defendant,  
Carline Vilbon

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DATED: August 25, 2021

**DEFENDANT'S MOTION TO STAY PENDING APPEAL PURSUANT TO  
PURSUANT TO RULE 62 OF THE FEDERAL RULES OF CIVIL PROCEDURES**

Pursuant to Rule 62 of the Federal Rules of Civil Procedures, I, Carline Vilbon, the Defendant, respectfully move this honorable Court for an order staying all proceedings and executions, following the order entered on August 18, 2021, (Dkt. entry), concerning the above caption matter, while this case is on appeal. I also ask this Court to expedite briefing on this motion and to rule on the motion as soon as practicable,

On August 18, 2021, this Court denied my motion for review, motion to proceed in forma pauperis, and dismissed my notice of removal for which I sought review under 28 U.S.C. § 1331, §2254 and 25 C.F.R. § 11.404, and 18 U.S.C. 351 (e), §241 and 49 C.F.R. § 1670.5, and Title 28 U.S.C § 2241 (d) as well as part B of the Individuals with Disability Education Act (IDEA), concerning parental consent, Section 504 of the Rehabilitation Act, 34 C.F.R. 300.502(a)(1), , 34 C.F.R. § 300.513(a)(2)(ii), and 29 U.S.C. § 794, and the Fourteenth Amendment of the United States Constitution. And because I was denied equal protection of the laws, and was unable to exercise my civil rights and of my son in the State courts.

But I, the Defendant am likely to prevail on appeal, and based 28 U.S.C. §1331, 1443 and 28 U.S.C. §1445 which govern the laws and jurisdiction over cases that are removable and to enforce the multiple civil and constitutional rights, which I have been denied, and have caused harm and unnecessary suffering to me and my son who had been unlawfully detained in the



custody of the Plaintiff. I have also been denied motion to dismiss for the Plaintiff's submission of false and misleading documents and motion for restraining order against the Plaintiff for violating my son's doctor's and therapist orders.

My position is to address the laws which the Plaintiff violated under the Federal jurisdiction through further Appellate review and to request relief and sanctions where applicable to prevent such reoccurrences for the best interest of the public.

It would cause major devastation and harm to me, as the Defendants and my child, if this matter remain unresolved, for the following reasons:

1. Plaintiff submitted false and misleading information in their Expartate neglect petition on September 18, 2020, which the Rhode Island Family Court counted on, to grant the DCYF temporary custody of my son, and to render a probable cause decision against me.
2. Plaintiff accepted to submit false and misleading information in their affidavit, a physician's report was not legally justified, which was used to detain my son.
3. Furthermore, the Plaintiff conducted an unlawful investigation, and violated my fourteenth Amendment right to due process, by submitting fraudulent documentation, in my file, which prevented me from appealing It's decisions through their appeal board in violation with the DCYF's appeal policy.
4. Plaintiff has violated my parental rights and constitutional rights to make Medical and educational decisions for my son which I legally held during their temporary custody of my son
5. Plaintiff is further in violation of my son's doctors recommendations, and my rights to make educational decisions for which I petitioned the Rhode Island Family Court for an Expedited Motion for Restraining Order
6. Plaintiff's abuse of the legal process, has caused tremendous harm to my son's health, and threaten his chance for a fair education and stable future.
7. Furthermore, I have exhausted all remedies at the state level.

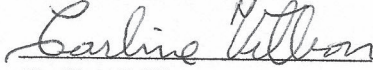
As stated above, I am adversely affected by the Plaintiffs' actions. And if allowed to proceed, It would cause unnecessary delays, legal cost, and more harm to my son's mental health, who reports being traumatized as a result of the Plaintiff actions.

It is in the public's interest to fully review and investigate the errors of law made by this Court in rendering the decision of August 18, 2021, which adversely affects me, and to insure fairness and justice.

The process of this Stay motion will not cause harm to any party involved in this case.

**WHEREFORE:** I, Carline Vilbon the Defendant respectfully request this Court to grant an order to stay further proceedings and executions pending appeal at the First Circuit Court of Appeals for good cause.

Respectfully submitted;

  
Carline Vilbon

74 Prince Street

Pawtucket, RI. 02860

Email:

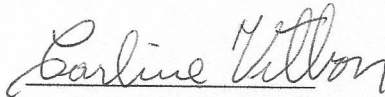
Phone: (401) 654-3470

Dated: August 25, 2021.

**CERTIFICATE OF SERVICE**

I, the Defendant Carline Vilbon, do hereby on this 25<sup>th</sup>, day of August, 2021, served via **Electronic Mail** a true and accurate copy of the following documents to the Plaintiff's attorney, Benjamin Copple, at \_\_\_\_\_, Alexander B. Terry at \_\_\_\_\_, CASA attorney Diane Daigle at \_\_\_\_\_ and standby attorney Milan Azar at \_\_\_\_\_

1. Appellant's Motion to Stay Pending Appeal Pursuant to Rule 62 of the Federal Rules of Civil Procedures.

  
Carline Vilbon

**Dated: August 25, 2021**